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WASHINGTON, D.C. – As Congress considers legislation to reform the U.S. immigration system, a new U.S. Commission on International Religious Freedom (USCIRF) report, [Assessing the U.S. Government's Detention of Asylum Seekers: Further Action Needed to Fully Implement Reforms](#), finds that the U.S. government continues to detain asylum seekers under inappropriate conditions in jails and jail-like facilities. This detention is contrary to both longstanding USCIRF recommendations and reforms the Department of Homeland Security (DHS) announced in 2009.

“Many asylum seekers fleeing religious and other forms of persecution have experienced torture and trauma and should not be detained like criminals,” said USCIRF Chair Dr. Katrina Lantos Swett. “Such conditions may retraumatize this vulnerable population and cause them prematurely to withdraw their asylum claims. Asylum seekers with credible fear of persecution should be released from detention and detained in civil detention centers only when release is not possible.”

Between July and December 2012, USCIRF staff toured 10 detention facilities nationwide and met with officials and asylum seekers. The goal was to assess progress DHS' Immigration and Customs Enforcement Agency (ICE) had made on reforms that, if fully implemented, would realize USCIRF recommendations on the detention of asylum seekers. In October 2009, ICE

had announced plans to develop a new immigration detention system, with facilities based on civil, not penal, models in locations with access to legal services, emergency rooms, and transportation.

“While ICE has made progress toward implementing the 2009 reforms, most asylum seekers continue to be detained in jail-like, not civil, facilities. ICE needs to expedite its efforts to ensure that any asylum seekers who must be detained are housed in civil facilities,” said Swett.

USCIRF continues to recommend that ICE codify into regulations its 2009 parole process and criteria guidelines under which most asylum seekers found to have a credible fear of persecution are paroled rather than detained. USCIRF also finds that further improvements are needed to expand immigration detainees’ access to legal information, representation, and in-person hearings.

Given that many individuals fleeing religious persecution seek asylum in the United States, the International Religious Freedom Act of 1998 (IRFA) authorized USCIRF to examine whether asylum seekers subject to Expedited Removal were being detained under inappropriate conditions or being returned to countries where they might face persecution. USCIRF released its findings in the 2005 *Report on Asylum Seekers in Expedited Removal*. That report found serious flaws in both the processing and detention of asylum seekers in Expedited Removal and issued recommendations, none of which required Congressional action, to the relevant agencies in the DHS and Department of Justice (DOJ).

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